

REASONS *against Erecting a Court of Conscience within the City and Liberty of Westminster.*

THIS Bill speciously names Artificers and Labourers, but goes on to subject all Persons of what Degree or Quality soever, to a *Commitment without Bail or Mainprise*, upon his Servants, Shooemakers, or other Tradesman, or even any Hackney-Coachman, Chairman, or Porter's own Oath, if he do not immediately pay whatever he swears to, or if he do not appear upon their summoning of him. And as the Nobility and Gentry are more numerous in *this City of Westminster*, than in any other Place in the Kingdom, it must needs be thought the most unfit and dangerous Place for such a Court of Conscience.

It is observable, That this intended Court of Conscience, pretending to give Ease to the Subject, doth indeed take away the Difficulty of finding Bail, but the Remedy is worse than the Grievance, for it makes the mean Process like an Execution, a *Commitment without Bail or Mainprise*, which is a Severity not known at the Common-Law, in any Case before Judgment, except in Capital Offences, and yet a Court of Conscience must be Useless without it.

In the *County Courts*, and *Courts Baron*, there is no Process which touches the Body; the First Process is a *Summons*, and afterwards only *Distress by his Goods*. There is an Ancient Court of this Nature, within the *Liberty of Westminster*, where Remedy for Debts, under 40 s. in this way of Proceeding is afforded without Arrests, which is Humbly Conceived to be an Easier way of Proceeding for the Subject in such small Causes, than the Trusting to such an *Arbitrary Power*, as must be reposed in the intended Commissioners of this Court of Conscience; besides the unforeseen Hardships, that must and do constantly attend such Innovated Judicatures, which Infringe upon the Common-Laws of this Kingdom, so long, and so happily enjoyed by the People.

If a Court of Conscience be of that great Use and Benefit, as is pretended, why should it not be generally establish'd in every County, City, and Corporation in *England*? This possibly is not Attempted, because it would have made all People look farther into it, when it was like to be brought so near Home, and have destroyed the Particular Interests of the Managers of this Bill.

'Tis Evident in Trials by Juries, (Notwithstanding the great Care of the Judges, and the strict Examinations by the Counsel, who do very often detect Perjuries, tho' very closely concealed) that Perjuries are too frequently committed, and that such Perjuries, when discovered, appear to be by the Subornation of the Party; much greater Hazard must necessarily follow by admitting such Parties to put those Perjuries in Practice themselves, which at this time they meet with so much Difficulty to do, by the present Constitutions of Trials at Law, where by the Ancient Wisdom of our Laws for the Presumption of a Man's being Byass'd by his own Interest, 'tis a known and constant Reason to reject any Man's Evidence, if the Matter he is to Prove doth appear to tend to his own Advantage.

of Westminster.
Conscience within the City and Liberty
REASONS against Erecting a Court of

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A Court of Conscience

The Court of Conscience, pretending to give
the Defendant away the Difficulty of finding Bill, but
it makes the man's pockets like an
empty bag without that which is a Sovereign not
in any State before judgment except in Capital
as a Court of Conscience might be without it.

The City and Liberty of

Westminster.